

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6997 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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H P NANDANIYA

Versus

STATE OF GUJARAT

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Appearance:

None present for Petitioner

MR DA BAMBHANIA for Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/09/97

ORAL JUDGEMENT

1. Two fold prayers have been made by the petitioner, a Deputy Mamlatdar working in the Revenue Department of the Government of Gujarat. First prayer pertains to the order of reversion of the petitioner from the post of Dy. Mamlatdar to the post of Clerk and second prayer is regarding quashing and setting aside of the seniority lists published on 3-2-1987, 11-3-1987 and 10-6-1987.

2. The petitioner has been protected by this Court by grant of interim relief. So the reversion order was not given effect to. So far as other grievance is concerned, the counsel for the respondents make a statement that in view of the decision of this Court given in Special Civil Applications No. 101/87, 8766/90 and 7808/90 decided on 24th March, 1992 fresh seniority list of feeder cadres has been prepared and now regular promotions shall be made in accordance with the position as it reflects therein. The final seniority list has not been challenged by the petitioner in this special civil application.

3. So far the reversion is concerned, the counsel for the respondents make a statement that the petitioner was given only adhoc promotion and presently he will not be reverted from the post of Dy. Mamlatdar. In case it is felt necessary then he shall be given a notice and an opportunity of hearing. However, Shri Bhambhanian states that this exercise will not be required to be undergone in case where the petitioner has to be reverted on his not being adjudged suitable for promotion by the Departmental Promotion Committee for the post of Dy. Mamlatdar.

4. In view of this statement of Shri Bhambhanian as well as in view of the fact that fresh seniority list has been prepared, this petition does not survive and the same is dismissed subject to the statement made by Shri Bhambhanian. Rule discharged. Interim relief granted by this Court stands vacated.